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Damian Arregui

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EXAMINER

LIU, LIN

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,143	Applicant(s) ARREGUI ET AL.	
	Examiner LIN LIU	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed on 05/27/2008.

Claims 1-20 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 05/27/2008 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 19-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. **Claim 19** recites: "the article of manufacture comprising computer usable media including computer readable instructions embedded therein", wherein the "computer usable media" is disclosed to encompass *radio wave communication* as illustrated in the specification of instant application paragraphs 65-67, which is per se non-statutory. Claim 20 is dependent claim of claim 19; it is rejected under the same reason.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **1-8, 10-17 and 19-20** are rejected under 35 U.S.C 102 (e) as being anticipated by **Serbinis et al. (Patent no.: US 6,584,466 B1)**.

With respect to **claim 1**, Serbinis teaches a document management system, comprising:

one or more document repositories for storing documents (Serbinis: fig. 1A & 1B);

a document notification and delivery service (DNDS) for detecting documents pertaining to subjects of interest that are stored in the document repositories (Serbinis: fig. 1A & 1B, col. 5 line 63 to col. 6 line 18); and

a plurality of workflow modules, that can be added or removed, subscribing to the DNDS to receive documents identified that pertain to one or more subscribed subjects of interest; at least two workflow modules producing one or more documents that are published to one or more of the document repositories (Serbinis: fig. 1A & 1B, col. 8, lines 46-67);

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wherein a first workflow module publishes to one of the document repositories a first document which is detected by the DNDS and which pertains to at least one subscribed subject of interest of a second workflow module (Serbinis: fig. 4, col. 8, lines 62-67, and col. 9, lines 50-67);

wherein subsequent to the publication of the first document by the DNDS to the one of the document repositories, the DNDS delivers the first document to the second workflow module that does not require the first workflow module to produce a second document (Serbinis: fig. 4, col. 9, lines 50-67); and

wherein one of the at least two workflow modules is associated with a user that performs one or more tasks to produce one or more documents that are managed by a workflow module according to subject matter described in the one or more documents (Serbinis: fig. 1A & 1B, col. 8, lines 62-67, and col. 9, lines 32-67).

With respect to **claim 2**, Serbinis teaches the document management system according to claim 1, further comprising notification targets for subscribing to subjects at the DNDS to receive alerts when documents are identified that pertain to one or more subscribed subjects of interest (Serbinis: col. 9, lines 50-60).

With respect to **claim 3**, Serbinis teaches document management system according to claim 1, wherein one of the plurality of workflow modules is one of a web service and a process associated with a user that performs one or more tasks to produce the one or more documents (Serbinis col. 4, lines 41-60, and col. 12, lines 43-59): .

With respect to **claim 4**, Serbinis teaches document management system according to claim 1, wherein the DNDS processes the first document before delivering it to the second workflow module (Serbinis: col. 9, lines 33-49).

With respect to **claim 5**, Serbinis teaches the document management system according to claim 4, wherein the DNDS processes the first document by performing one of summarization, enrichment, and translation (Serbinis: col. 9, lines 33-49, and col. 12, lines 43-59).

With respect to **claim 6**, Serbinis teaches the document management system according to claim 1, wherein the DNDS further comprises means for:

(a) monitoring events and attributes concerning detected documents for which notification or delivery are performed (Serbinis: col. 11, lines 36-45); and

(b) using the monitored events and attributes to identify ones of the detected documents as highly rated documents for notification to users not originally subscribed to the subject of interest for which the notification or delivery is performed (Serbinis: col. 12, lines 43-59).

With respect to **claim 7**, Serbinis teaches the document management system according to claim 1, wherein the DNDS further comprises:

a plurality of document repositories with each being adapted to store a plurality of documents (Serbinis: fig. 1A & 1B, col. 6, lines 19-45 and col. 7, lines 16-27);

a subject directory for representing subjects of the plurality of documents in the plurality of document repositories (Serbinis: fig. 3, col. 7, lines 16-40);

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a profile directory for representing a plurality of users accounts, with each user account subscribing to at least one subject of interest (Serbinis: fig. 2, col. 4, lines 19-56);

a subject refinement module for:

monitoring document notifications and delivery requests associated with the document notifications to provide subject refinement data (Serbinis: fig. 2, col. 4, lines 19-56); and

using the subject refinement data to refine subjects in the subject directory (Serbinis: fig. 2, col. 4, lines 19-56, and col. 12, lines 24-59).

With respect to **claim 8**, Serbinis teaches the document management system according to claim 1, wherein the DNDs further comprises:

a plurality of document repositories with each being adapted to store a plurality of documents (Serbinis: fig. 1A & 1B, col. 6, lines 19-45 and col. 7, lines 16-27);

a subject directory for representing subjects of the plurality of documents in the plurality of document repositories (Serbinis: fig. 3, col. 7, lines 16-40);

a profile directory for representing a plurality of users accounts, with each user account subscribing to at least one subject of interest (Serbinis: fig. 2, col. 4, lines 19-56);

a profile refinement module for:

monitoring frequency of user delivery requests for document notifications concerning each subscribed subject of interest to provide profile refinement data (Serbinis: fig. 2, col. 6, line 19 to col. 7, line 8); and

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using the profile refinement data to refine user preferences for document notification and delivery (Serbinis: fig. 2, col. 6, line 19 to col. 7, line 8).

In regard to **claims 10-17**, the limitations of these claims are substantially the same as those in claims 1-8, but rather in method form. Therefore the same rationale for rejecting claims 1-8 is used to reject claims 10-17. By this rationale **claims 10-17** are rejected.

In regard to **claims 19-20**, the limitations of these claims are substantially the same as those in claims 1-2, but rather in method form. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 19-20. By this rationale **claims 19-20** are rejected.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Serbinis et al. (Patent no.: US 6,584,466 B1)** in view of **Jin et al. (Patent no.: US 6,330,689 B1)**.

With respect to **claim 9**, Serbinis the document management system according to claim 1, wherein the DNS further comprises a failure recovery module for:

recording component failure information (Serbinis: col. 6, line 64 to col. 7, line 3). However, Serbinis does not explicitly teach a method of assigning each of the document repositories according to one of a plurality of operating behaviors using the component failure information; and determining appropriate action to take in response to component identified failures using the operating behavior assigned to the document repository to which the component is associated; wherein the plurality of operating behaviors are rated as one of: "very reliable," "reliable," "unreliable," and "very unreliable."

In the same field of endeavor, Jin teaches a method of assigning each of the document repositories according to one of a plurality of operating behaviors using the component failure information (Jin: col. 4, line 63 to col. 5, line 7); and determining appropriate action to take in response to component identified failures using the operating behavior assigned to the document repository to which the component is associated; wherein the plurality of operating behaviors are rated as one of: "very reliable," "reliable," "unreliable," and "very unreliable." (Jin: col. 8, line 66 to col. 9, line 17, and col. 9, lines 47-63).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of detecting and recovering the failure processing of document as taught by Jin in Serbinis' invention in order to provide fast and cost-effective document storage system while preventing the system from crashing (Jin: col. 3, line 65-67).

In regard to **claim 18**, the limitations of this claim are substantially the same as those in claim 9. Therefore the same rationale for rejecting claim 9 is used to reject claim 18. By this rationale **claim 18** is rejected.

Response to Arguments

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./
/Lin Liu/

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145